

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID ALLEN STODDARD,)	CASE NO. 20-CV-754
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>ORDER ADOPTING REPORT</u>
)	<u>AND RECOMMENDATION</u>
WARDEN LYNEAL WAINWRIGHT,)	
)	
Respondent.)	

Before the Court is Magistrate Judge Thomas M. Parker’s Report and Recommendation (the “R & R”), ECF Doc. 16, which recommends that the Court deny Petitioner David Allen Stoddard’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, ECF Doc. 1, and dismiss the claims asserted therein. The R & R was filed on July 20, 2022, and a copy was mailed to Stoddard that day.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to timely file written objections to a Magistrate Judge’s R & R constitutes a waiver of the right to obtain a de novo review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985).

Here, the time for objection has passed. It is now August 18, 2022, and no objections to the R & R have been filed.* Nonetheless, the Court has reviewed the thorough R & R and agrees with the Magistrate Judge's conclusion that each of Stoddard's claims are untimely, noncognizable, procedurally defaulted and/or meritless.

Accordingly, the Court **ADOPTS** the R & R (ECF Doc. 16) in full, Stoddard's claims are **DISMISSED** with prejudice, and the Petition (ECF Doc. 1) is **DENIED** in its entirety with prejudice. The Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certification of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: August 18, 2022

/s/ Dan A. Polster
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

* Because Stoddard file his petition *pro se*, the Court allowed him an extra fourteen days to file any objections to the R&R. Despite the extra time, no objections have been filed.